

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23045 of 2004

Between:

Kasi Chittibabu S/o Appanna
R/o Kotipally(V), Oanarry (M), East Godavari District

..... PETITIONER

AND

- 1 The Joint Collector Civil Supplies Wing) Kakinada, East Godavari District
- 2 The Revenue Divisional Officer (Civil Supplies Wing) Rajahmundry, East Godavari District
- 3 The Mandal Revenue Officer)Civil Supplies Wing Pamarru Mandal East Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or any other appropriate Writ order or direction declaring the action of the 2nd respondent Ref.E/2517/2004 dt 25-08-2004 issued at the instance of the 3rd Respondent in Ref: B.212/2004 dated 09-08-2004 as illegal arbitrary and set a side the same as the same is illegal arbitrary and contrary to law and pass such other order or orders.

Counsel for the Petitioner:MR.Y.V.SRINIVASAN

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

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Petitioner is a fair price shop dealer of Kotipally Village, Pamarru Mandal, East Godavari District. On the basis of certain allegations as to short supply of the essential commodities, his authorization was suspended by the 2nd respondent through order, dated 25.08.2004. Petitioner claims to have submitted an appeal before the 1st respondent together with an application for grant of stay. His grievance is that no orders have been passed so far on the application for stay, and in the meanwhile alternative arrangements are being resorted to.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended by alleging certain irregularities. Petitioner availed the remedy of appeal. The truth or otherwise of the allegations against the petitioner needs to be considered in the appeal. Petitioner filed an application for grant of stay. Unless appropriate orders are passed in the application for stay, the purpose of preferring the appeal is likely to be defeated.

Prima facie, this Court does not find that the allegations against the petitioner are so serious as to warrant suspension. In that view of the matter, the writ petition is disposed of directing that the order, dated 25.08.2004, passed by the 2nd respondent, shall remain stayed till the 1st respondent disposes the appeal preferred by the petitioner. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 13th December, 2004

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To

- 1 The Joint Collector Civil Supplies Wing) Kakinada, East Godavari District
- 2 The Revenue Divisional Officer (Civil Supplies Wing) Rajahmundry, East Godavari District
- 3 The Mandal Revenue Officer)Civil Supplies Wing Pamarru Mandal East Godavari District

4.2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

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